

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Richard Lacontora	:	
Plaintiff	:	
	:	
v.	:	
	:	
GENO Enterprises, LLC	:	
d/b/a Chick-Fil-A	:	
Defendant	:	

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

Richard Lacontora	:	Docket No.: CV-2021-6681
Plaintiff	:	
	:	
v.	:	
	:	
GENO Enterprises, LLC	:	
d/b/a Chick-Fil-A	:	
Defendant	:	

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT
COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA:

Defendant, GENO Enterprises, LLC (hereinafter “Defendant”), by and through its attorneys, Marshall Dennehey Warner Coleman & Goggin, hereby removes the above-captioned case to this Honorable Court and provides notice of same to counsel representing the Plaintiff. In support of the removal, the Defendant avers as follows:

1. On August 5, 2021, Plaintiff filed a complaint in the Court of Common Pleas of Delaware County, Pennsylvania against Defendant, GENO Enterprises, LLC, styled *Richard Lacontora v. GENO Enterprises, LLC d/b/a Chick-Fil-A*, Docket No. CV-2021-6681. Plaintiff’s complaint is attached hereto as Exhibit A.

2. Defendant was served with Plaintiff’s complaint on August 16, 2021.

3. As Defendant was served on August 16, 2021, Defendant has not yet filed an Answer or other response to the Complaint. In filing this Notice of Removal, Defendant does not waive any defense or counterclaim that may be available to it.

4. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) because it is filed within thirty (30) days of August 16, 2021, when Defendant was served with the Complaint.

5. Count I of Plaintiff's complaint, titled "Racial Discrimination in Violation of Title VII of 42 U.S.C. §2000e, et seq." alleges "Defendant Employer's conduct as alleged at length herein constitutes discrimination based on racial preference in violation of Title VII . . ." and "Defendant Employer discriminated against Plaintiff in violation of Title VII by treating him differently . . ."

6. In addition, Count II of Plaintiff's complaint, titled "Unlawful Retaliation in Violation of Title VII" alleges "Defendant committed unlawful employment practices when it retaliated against Plaintiff for his efforts to oppose practices reasonably believed to be prohibited by Title VII, in violation of Title VII, 42 U.S.C. § 2000e-3(a)" and "Plaintiff is entitled to the rights and remedies at law provided by Title VII and 42 U.S.C. § 1981a, including actual damages, compensatory damages, punitive damages, and attorney's fees."

7. This Court has original jurisdiction over this civil action pursuant to 28 U.S.C. § 1331, and the action may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441. The allegations set forth in the Complaint render this action a civil action arising under the Constitution, laws or treaties of the United States.

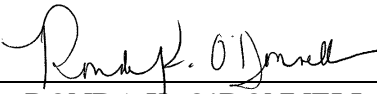
8. When a plaintiff's complaint relies on federal law as the source of recovery, such as here wherein Plaintiff requests damages pursuant to Title VII of the Civil Rights Act of 1964 as amended, it is obvious that the case "arises under" federal law and therefore may be removed to federal court. *Franchise Tax Bd. v. Construction Laborers Vacation Trust*, 463 U.S. 1, 9 (1983).

9. Pursuant to 28 USC §1367(a), this Court has supplemental jurisdiction over the remaining causes of action that are not within the original jurisdiction of the Court because the remaining claims form the same case and/or controversy as the claims within the original jurisdiction of the Court.

10. Written notice of this filing will be given to Plaintiff. Also, as required by 28 U.S.C. §1446(d), a copy of this Notice of Removal will also be filed with the Prothonotary of the Court of Common Pleas of Delaware County, Pennsylvania, the court in which the State Court Action was filed.

WHEREFORE, Defendant, GENO Enterprises, LLC, respectfully requests that the above action, now pending in the Court of Common Pleas of Delaware County, Pennsylvania, be removed therefrom and proceed in this Court as an action duly removed.

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN**

BY: 

RONDA K. O'DONNELL
Attorney for Defendant

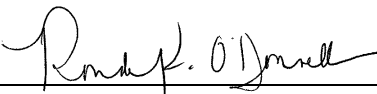
Dated: September 3, 2021

CERTIFICATE OF SERVICE

I, Ronda K. O'Donnell, Esquire, do hereby certify that a true and correct copy of the Notice of Removal, was served upon the following via ECF unless otherwise indicated:

Joseph A. Malley, III, Esquire
JOSEPH A. MALLEY, III, ESQUIRE, P.C.
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Attorney for Plaintiff

**MARSHALL DENNEHEY WARNER
COLEMAN & GOGGIN**

BY: 

RONDA K. O'DONNELL
Attorney for Defendant

Dated: September 3, 2021